

REMARKS

Claims 1-7 are all of the claims pending in the present application and remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Young et al. (U.S. Patent No. 6,990,116). Applicant traverses the rejections of claims 1-7 at least based on the following reasons.

With respect to independent claim 1, Applicant previously argued, inter alia, that Young does not disclose or suggest at least, “if a result of the verification indicates that data remains in the queue, transmitting the data remaining in the queue of the PC before entering a contention mode,” as recited in claim 1. *See pages 3-4 of Response dated July 24, 2007.* In response, the Examiner alleges:

... Young makes use of the contention-free period to improve the throughput when the offered load exceeds that which can be carried in contention mode, and determines whether to enable the alternative contention-free mechanism by examining the state of the buffers (queues) in the access point (see col. 8, lines 47-54).

Even though Young may not explicitly teach emptying the queue of the access point, it would be obvious to a person of ordinary skill in the art to free the buffer space in the access point so that new data can be received and transmitted improving throughput.

The Examiner acknowledges that Young does not explicitly disclose or suggest the above-quoted feature of claim 1, however the Examiner states that a person of ordinary skill in the art would free the buffer space in the access point so that new data can be received and transmitted, thereby improving throughput. In response, Applicant submits that to maintain throughput, the invention of Young could simply keep buffer space at a minimal level; thus, Young does not necessarily involve emptying a queue before entering a contention mode. The Examiner is obviously using impermissible hindsight reasoning in alleging that Young satisfies the above quoted feature as nowhere is this feature taught or suggested in Young.

At least based on the foregoing as well as the previously submitted arguments, Applicant maintains that claim 1 is patentably distinguishable over Young.

Applicant submits that dependent claims 2-7 are patentable at least by virtue of their direct or indirect dependency from independent claim 1.

Further, with respect to claim 2, Applicant previously argued that Young does not disclose or suggest at least, "if the result of the verification indicates that no data remains in the queue, entering the contention mode," as recited in claim 2. *See page 4 of Response dated July 24, 2007.* In response, the Examiner alleges:

The Examiner respectfully disagrees with the Applicant because Young does explicitly describe among the factors that are considered in determining the load conditions the number of packets to be delivered in the queue (i.e. data remaining in a queue) at the access point (point coordinator) (see col. 9, lines 3-4).

It appears that the Examiner believes that the factor, in Young, of considering the number of packets delivered in a queue at an access point, among other factors, is used to determine when to change access mechanisms. Determining the number of packets to be delivered in a queue is not tantamount to determining whether data is remaining in a queue. Determining the number of packets to be delivered involves determining a particular amount; on the other hand, claim 2, for example, relates to verifying whether data remains in a queue.

At least based on the foregoing, Applicant maintains that claims 1-7 are patentably distinguishable over Young.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

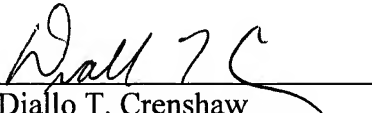
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